



DPW 163288

DOCKET NO.: C1040.70006US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: McCluskie et al.
Serial No.: 09/316,199
Confirmation No.: 7506
Filed: May 21, 1999
For: METHODS AND PRODUCTS FOR INDUCING MUCOSAL IMMUNITY
Examiner: Dave Trong Nguyen
Art Unit: 1632

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 29th day of December, 2004.


Kristin J. Ketechnut

MAIL STOP AMENDMENT

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

- Information Disclosure Statement
- PTO Form 1449 with cited references
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

A check in the amount of \$180 is enclosed to cover the filing fee. If the fee is insufficient, the balance may be charged to Deposit Account 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,
McCluskie et al., Applicant

By:



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Docket No.: C1040.70006US00
Date: December 29, 2004
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Kristin J. Keellut

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed after a first Office Action after the filing of a request for continued examination, but before the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in this application.

The fee of \$180 as set forth in 37 C.F.R. §1.17(p) is enclosed.

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PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

| <u>Docket No.</u> | <u>Serial No.</u> | <u>Filing Date</u> | <u>Inventor(s)</u> |
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| *C1037.70013US01 | 10/831,778 | April 23, 2004 | Bratzler et al. |
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| *C1037.70050US01 | 10/952,254 | September 27, 2004 | Uhlmann et al. |
| *C1037.70054US01 | 10/973,927 | October 25, 2004 | Lipford et al. |
| *C1039.70020US01 | 10/921,086 | August 18, 2004 | Krieg et al. |
| *C1039.70035US01 | 10/884,866 | July 2, 2004 | Krieg et al. |
| *C1039.70035US02 | 10/888,803 | July 9, 2004 | Krieg et al. |
| *C1039.70048US03 | 10/831,647 | April 23, 2004 | Krieg et al. |
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| *C1039.70048US10 | 10/894,862 | July 16, 2004 | Krieg et al. |
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| *C1039.70048US13 | 10/956,494 | October 1, 2004 | Krieg et al. |
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*a copy of this reference is not provided as the Office hereby waives the requirement under 37 CFR 1.98(a)(2)(iii) for submitting a copy of each cited U.S. patent application filed after June 30, 2003 and for applications filed before June 30, 2003, or that entered the national stage before June 30, 2003, if they are scanned to Image File Wrapper system and are available on Private PAIR.

Serial No.: 09/316,199
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| <u>Docket No.</u> | <u>Serial No.</u> | <u>Filing Date</u> | <u>Inventor(s)</u> |
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*a copy of this reference is not provided as the Office hereby waives the requirement under 37 CFR 1.98(a)(2)(iii) for submitting a copy of each cited U.S. patent application filed after June 30, 2003 and for applications filed before June 30, 2003, or that entered the national stage before June 30, 2003, if they are scanned to Image File Wrapper system and are available on Private PAIR.

The Applicant would like to bring to the Examiner's attention the enclosed search report from a corresponding International or Foreign National Application.

| <u>Docket No.</u> | <u>Serial No.</u> | <u>Mailing Date</u> | <u>Type of Communication(s)</u> |
|-------------------|-------------------|---------------------|--|
| C1040.70006WO00 | PCT/US99/11359 | 19 June 2000 | International Preliminary Examination Report |
| C1040.70006WO00 | PCT/US99/11359 | 28 December 1999 | International Search Report |

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,
McCluskie et al., Applicant

By:



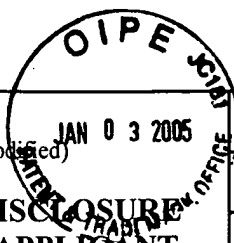
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| FORM PTO-1449/A and B (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT | | APPLICATION NO.: 09/316,199 | ATTY. DOCKET NO.: C1040.70006US00 |
| | | FILING DATE: May 21, 1999 | CONFIRMATION NO.: 7506 |
| | | APPLICANT: McCluskie et al. | |
| | | GROUP ART UNIT: 1632 | EXAMINER: Dave Trong Nguyen |
| Sheet | 1 | of | 8 |

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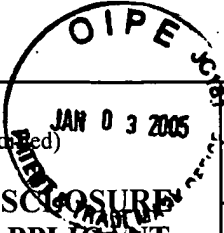
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| FORM PTO-1449/A and B (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT | | | | APPLICATION NO.: 09/316,199 | | ATTY. DOCKET NO.: C1040.70006US00 | |
| | | | | FILING DATE: May 21, 1999 | | CONFIRMATION NO.: 7506 | |
| | | | | APPLICANT: McCluskie et al. | | | |
| | | | | GROUP ART UNIT: 1632 | | EXAMINER: Dave Trong Nguyen | |
| Sheet | 4 | of | 8 | | | | |

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| | | WO | 03/100040 | A1 | Merck Patent GMBH | 12-04-2003 | |

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